IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 4996 of 2007(T)

PETITIONER:

M.N. GIRIDHARAN, DEMONSTRATOR,
MECHANICAL ENGINEERING, GOVERNMENT
POLYTECHNIC COLLEGE, KOTTAYAM.

BY ADV. SMT.I.SHEELA DEVI

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, DEPARTMENT OF
TECHNICAL EDUCATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. DIRECTOR OF TECHNICAL EDUCATION,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SMT. M.R. SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.4996/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE CIRCULAR NO.54/92/(138) Fin. DT. 6.11.92 ISSUED BY THE 1ST RESPONDENT.

EXT.P2. COPY OF THE GOVERNMENT ORDER NO. G.O.(P) No.554/84/(597)/Fin. DT. 27.9.84 ISSUED BY THE 1ST RESPONDENT.

EXT.P3. COPY OF THE JUDGMENT DT. 18.7.02 IN O.P. NO.13985/1998 OF THE HON'BLE HIGH COURT OF KERALA.

EXT.P4. COPY OF THE GOVERNMENT ORDER NO.30767/LB/02/H.Edn DT. 25.10.03.

EXT.P5. COPY OF THE PROCEEDINGS NO.EB4/25041/02(ii) DT. 17.2.04 ISSUED BY THE 2ND RESPONDENT.

EXT.P5(a). COPY OF THE PROCEEDINGS NO.Eb4/25041/02(iii) DT. 16.4.04 ISSUED BY THE 2ND RESPONDENT.

EXT.P6. COPY OF THE ORDER DT. 9.8.06 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P7. COPY OF THE G.O.MS. NO.661/65/Edn. DT. 13.12.65 ISSUED BY THE GOVERNMENT.

EXT.P8. COPY OF THE PROCEEDINGS NO.EB4/33106/04(v) DT. 8.4.05 ISSUED BY THE 2ND RESPONDENT.

EXT.P8(a). COPY OF THE PROCEEDINGS NO.DPI/970(2)/2000 DT. 17.2.01 ISSUED BY THE 2ND RESPONDENT.

EXT.P8(b). COPY OF THE PROCEEDINGS NO.34252/L3/03/H.Edn. DT. 18.8.04 ISSUED BY THE 2ND RESPONDENT.

EXT.P8(c). COPY OF THE PROCEEDINGS NO.EB4/27925/2006/DTE DT. 2.11.06 ISSUED BY THE 2ND RESPONDENT.

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 4996 OF 2007

Dated this the 8th day of June, 2007

J U D G M E N T

The primary prayer in this writ petition is for issuance of a declaration that petitioner is entitled to get higher grade with effect from the date on which he had completed ten years of service in the post of Workshop Instructor/Demonstrator. Learned counsel for the petitioner submits that the issue raised in this writ petition is squarely covered in favour of the petitioner in view of the judgment of this Court in W.P.(C). No.22899/05 and some other cases. Consequent to the above judgments, the Department had passed orders granting higher grade to several similarly situated employees in the Department. One such instance has been noticed by this Court in W.P.(C). No. 25627/04.

In the above facts and circumstances, Ext.P6 is quashed. Respondent No.2 shall take a fresh decision in the matter in the light of the judgment referred to above and also keeping in view the consequential orders passed by the Department in the light of

the above judgments. This shall be done as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment. Needless to mention, petitioner and all other employees, if any, who are likely to be affected by the order that may be passed are afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.2 for compliance.

The writ petition is disposed of as above.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007